IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR.

Criminal Application No.1761/2007 in

Criminal Appeal No. 99/2007

Ajabrao Sovinda Shende and 2 ors. .vs. The State of Maharashtra.

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders.

Mr. Junaid Ahmed Advocate for the Appellants.

Mr. D.B. Patel, APP for the Respondent.

.....

CORAM : K.J. ROHEE &

S.R. DONGAONKAR ,JJ

DATED : JUNE 28, 2007

1. Heard.

2. The applicant Chandrakala (original accused no.2) has been convicted for the offence punishable under Section 302 read with 34 of IPC along with accused Nos. 1 and 3. It is alleged that accused Nos. 1 to 3 and the minor son of accused no.1 assaulted Ghanshyam Bhongade as there was quarrel between Ghanshyam Bhongade and accused no.1 Ajabrao in the morning near the streamlet while the deceased was supervising the work of cleaning the streamlet through labours working under Employment Guarantee

Scheme. It is alleged that accused nos. 1 and 3 assaulted Ghanshyam with sticks whereas accused no.2 Chandrakala assaulted with small tiffin of steel. Ghanshyam sustained two contusions on right temporal region and two contused abrasions over middle one third of sternum region. PW6 Dr. Tayade who conducted autopsy opined that the cause of death was head injury. Considering the fact that accused no.2 Chandrakala was not holding stick and assaulted with small tiffin of steel and that she was on bail even during trial, we think it expedient to release her on bail. At the same time we make it clear that this should not be taken as a ground to claim parity for accused nos. 1 and 3. We, therefore, pass the following order:

3. The application is allowed. Applicant no.2 Chandrakala wd/o Sadashiv Marbade be released on her executing personal recognizance for Rs.25,000/- with one surety in the like amount.

JUDGE **JUDGE.**

halwai